

GOVERNMENT OF TELANGANA
ABSTRACT

PS – Police Department – Sri Abdul Qayam Khan, RSI (Retired) of Ranga Reddy District - Treating the out of employment period from 17.07.1999 to 01.03.2000 as 'On Duty' – Orders – Issued.

HOME (SERVICES-II) DEPARTMENT

G.O.MS.No. 50.

Dated: 17-11-2014

Read the following:-

1. From the Director General of Police, A.P. Hyderabad Letter No.784/T4/2000, dated 13.6.2000.
2. G.O.Ms.No.183, Home (Police-D) Dept, dated 26.7.2000.
3. G.O.Rt.No.1242, Home (Ser-II) Dept, dated 30.6.2008.
4. G.O.Ms.No.8, Home (Ser-II) Dept, dated 6.1.2009.
5. G.O.Ms.No.51, Home (Ser-II) Dept, dated 3.3.2010.
6. From the Hon'ble APAT orders dated 2.3.2012 in O.A.No.4543/2010 filed by Sri Abdul Qayam Khan, RSI (Retired).
7. From the Director General of Police, A.P. Hyderabad Letter Rc.No.225/T1/2014, dated 13.6.2014.

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ORDER:

Sri Abdul Qayam Khan, RSI (Retd) of Ranga Reddy District, was awarded the punishment of "Dismissal from Service" duly treating the period of suspension from 1.2.1997 to 31.7.1997 as 'not on duty' vide proceedings Rc.No.514/99 (Rc.No.180/D-20/HR/97-99) dated 16.07.1999 by the DIG, Hyderabad Range, for the following delinquency:-

"Collected share capital from members (all Police Men and Officers of RR District) @ Rs.100/- but printed receipts were not issued to the members and also the lump sum amount was shown in the cash Book instead of writing of the names of individuals in the cash book. The admission fee of Rs.10/- from each members was not collected which is also irregular."

His appeal petition was considered and modified the punishment to that of "RTSP to the Minimum Scale of RSI for a period of (04) years with cumulative effect on the future increment & pension" duly treating the suspension and out of employment period as "Not on Duty", by the appellate authority i.e. ADG (Admn), Hyderabad vide Procs. No.1429/T1/99, dated 1.2.2000. On revision petition, the Government have re-modified the punishment to that of "Censure" treating the suspension and out of employment period as 'not on duty', vide reference 2nd read above. Later, based on the Court directions Government have issued orders treating the period of suspension from 1.2.1997 to 31.7.1997 as 'On Duty' with full pay and allowances, vide reference 3rd read above.

2. Based on the directions of Tribunal in O.A.No.8342/2005 dated 24.8.2006, as upheld by the High Court in W.P.No.7756/2007, the Individual has submitted his representation to the Government requesting to treat the out of employment period as 'On Duty', which was considered and rejected by applying the principle of 'No Work – No Pay' vide reference 4th read above.

3. Aggrieved with the above orders, the Individual has again approached the Hon'ble Tribunal by filling O.A.No.2831/2009 seeking directions to treat the out of employment period as "ON DUTY". The Hon'ble Tribunal in its orders dated 1.9.2009 while setting aside the G.O. 4th read, directed the Government to consider

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the treatment of period of dismissal (out of employment), in the light of sub-rule 4, 5 and 7 of F.R.54. Accordingly, Government have re-examined the matter and issued order vide reference 5th read above confirming the provisional decision to pay an amount equal to the subsistence allowance and other allowances admissible under Rule 53, for the period of dismissal (out of employment) from 17.07.1999 to 01.03.2000, by treating the said period as 'Not on Duty' as per FR 54(4) (5) & (7).

4. Aggrieved with the above orders, the applicant has filed another O.A.No.4543/2010 and the Hon'ble APAT in its orders dated 2.3.2012 directed the Government to treat the out of employment period from 17.07.1999 to 01.03.2000 as on duty and fix his pay and other benefits and also pension. The Govt., have approached the Hon'ble High Court by filling Writ Petition No. 27133/2012 against the said APAT orders dated 2.3.2012. The Hon'ble High Court in its orders dated 14.02.2014 have dismissed the said W.P., for devoid of merits.

5. After careful examination of the matter, Government have **decided to comply with the orders dated 02.03.2012 in OA No.4543/2010 of Hon'ble Tribunal.** Accordingly, Government hereby treat the out of employment period from 17.07.1999 to 01.03.2000 as "ON DUTY" for all purposes in respect of Sri Abdul Qayam Khan, RSI (Retd) of Ranga Reddy District.

6. The Director General of Police, Telangana State, Hyderabad is requested to take necessary follow up action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

AJAY MISRA
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To

The Director General of Police, Telangana State, Hyderabad (w.e)

The Individual concerned

through Director General of Police, Telangana State, Hyderabad.

The Deputy Inspector General of Police, Hyderabad Range, Hyderabad.

Copy to:

The Govt. Pleader for Home (S), A.P.A.T., Hyderabad.

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// Forwarded :: By order //

SECTION OFFICER